IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4043 OF 2005

Suresh Waman Ghorpade ...Applicant

V/s.

The State of Maharashtra ...Respondent

Shri. H.S. Venegavkar for the Applicant.
Shri. A.S. Gadkari A.P.P. for the Respondent.

CORAM : A.S. OKA, J.
DATED : JULY 07, 2005.

P.C.:

1. Heard Advocate for the Applicant and learned A.P.P. for the State. Advocate for the Applicant pointed out that all other accused save and except the Applicant and his father have been enlarged on bail. He submitted that there was a family dispute between the family of the Applicant and the family of the deceased. He stated that Post Mortem Notes show that the alleged assault by the Applicant by an axe on the head of the deceased has not resulted into death of the deceased. The learned A.P.P. has opposed the Application by pointing out the material on record.

2. The version of all the witnesses is consistent that the Applicant assaulted the deceased on his head by using an axe. The Post Mortem Notes prima facie show that there is a fracture of right parieta-temporal bone and the said fracture corresponds to the surface injury on the head of the

deceased. Moreover, there is a recovery of axe at the instance of the Applicant. The report of the Chemical Analyser shows that the blood stains on the axe are of blood group 'O' which is the blood group of the deceased. These are the factors which show the complicity of the Applicant. Therefore, the Applicant is not entitled to be enlarged on bail. The Applicant cannot claim parity as role played by the Applicant is different.

3. Hence, there is no merit in the Application and the same is rejected.

JUDGE